



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John W. Chrisman, III

Serial No.: 09/832,141

Filed: April 9, 2001

**For: SCENTED BOWLING BALLS AND
METHODS**

Confirmation No.: 8520

Examiner: W. Pierce

Group Art Unit: 3711

Attorney Docket No.: 1858-4826US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 29, 2006
Date

Signature

Erika Gandre
Name (Type/Print)

DECLARATION OF JOHN W. CHRISMAN, III

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, John W. Chrisman, III, declare that:

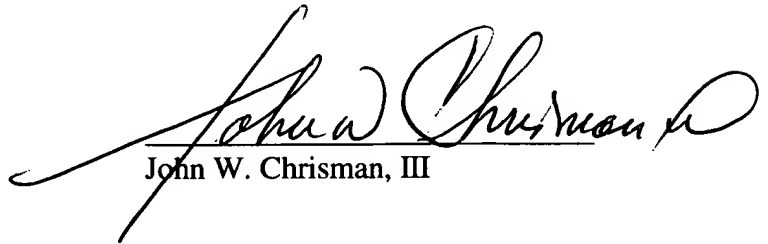
1. I am competent to give sworn testimony.
2. I am the President and C.E.O. of Storm Products, Inc., (hereinafter "Storm") a corporation organized under the laws of the State of Utah.
3. I have served in this capacity at Storm since its organization on September 16, 1985.
4. In connection with this application I previously signed and submitted a declaration on approximately June 24, 2005 which, among other things, addressed the commercial success Storm has enjoyed with its scented bowling balls. In addition to increased

sales, the scented balls have received substantial positive press, as referenced in my prior declaration.

5. The positive press received by Storm in connection with its scented bowling ball, including that which is referenced in my June 24, 2005 declaration, has not been solicited by Storm. Storm does not have a public relations expert or firm, and did not retain one to generate any of the press which has been received by Storm or its scented bowling ball. Neither Storm, nor any representative of Storm, solicited the newspaper, television, and other media reports and accounts, including those referenced in my prior declaration.
6. The dramatic success of the scented bowling ball, as also described in my June 24, 2005 declaration, was not the result of an increase in marketing expenditures. While Storm has gradually increased its overall expenditures in marketing since 2001, the increases have *followed* the surprising success of the scented bowling ball; they did have not *preceded* that success. It is clear from our sales and marketing expenditure history that Storm has only been able to increase its expenditures because it *first* had increased sales revenues from the scented bowling ball. This is also evidenced by the fact that the percentage of all balls sold by Storm which were scented balls increased significantly without a corresponding emphasis in our marketing of the scented balls. The unexpected and surprising success of the scented balls can only be attributed to the unexpected and surprising market acceptance of the scented balls.
7. Bowling ball performance is critical to most purchasers of bowling balls. For example, most bowlers are concerned with the "hook" of a ball across the hardwood bowling lane. This comes from the spin of the ball, but is impacted by the friction. Accordingly, bowling ball manufacturers are reluctant to add materials to a manufacturing process which may impact the performance or hook of the ball. Storm was surprised to find that adding a fragrance to its bowling balls did not adversely affect the balls' performance. There is even some evidence that it enhances the performance by increasing the move on the hook of the ball at the back end of the lane.
8. The unexpected success of the scented bowling balls, and at least the absence of an adverse effect on performance (if not a possible enhancement of the balls' performance) is evidenced by the surprising acceptance of the balls by professional bowlers. As also described in my June 24, 2005 declaration, at least fifteen (15) of the top pro bowlers, including Professional Bowlers' Association (PBA) Hall of Fame member Pete Weber, use Storm's scented bowling balls. The professionals are so concerned with performance that they would not use a ball that impacted their success negatively in any way.

9. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 27th day of March, 2006.



John W. Chrisman, III

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